

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

C.A. NO. 05-10489-MEL

GLENN S. BATES,)
)
Plaintiff,)
)
v.)
)
TOWN OF HARWICH and)
HARWICH POLICE DEPARTMENT,)
CHRISTOPHER KENDER, and)
BARRY MITCHELL,)
)
)
Defendants.)
)

PLAINTIFF'S RULE 26 INITIAL DISCLOSURE STATEMENT

Plaintiff Glen Bates ("Plaintiff"), by and through his attorney, and pursuant to Fed. R. Civ. P. 26 (a) (1), provides the following initial discovery disclosures based upon information currently available:

- (A) The name and, if known, the address and telephone number of each individual likely to have discoverable information that the disclosing party may use to support his claims or defenses, unless solely for impeachment, identifying the subjects of the information.

1. Glenn S. Bates
c/o Preti Flaherty
10 High Street, Fifth Floor
Boston, MA 02110

Mr. Bates is the plaintiff in this case and will submit evidence regarding his claims, the Defendants' defenses and damages in this matter.

2. Defendant
Christopher Kender
c/o Harwich Police Department
183 Sisson Road
Harwich, MA 02645
3. Defendant
Barry Mitchell
c/o Harwich Police Department
183 Sisson Road
Harwich, MA 02645
4. Sgt. David Jacek
c/o Harwich Police Department
183 Sisson Road
Harwich, MA 02645
5. Former Special Police Officer Walter D. Ennes
c/o Harwich Police Department
183 Sisson Road
Harwich, MA 02645
6. Captain Peter G. Welch
c/o Harwich Police Department
183 Sisson Road
Harwich, MA 02645
7. Lt. Manuel A. Gomes
c/o Harwich Police Department
183 Sisson Road
Harwich, MA 02645
8. Former Fire Chief Robert A. Peterson
c/o Harwich Fire Department
175 Sisson Road
Harwich, MA 02645
9. Chief Willard Remillard
c/o Harwich Fire Department
175 Sisson Road
Harwich, MA 02645
10. Paramedic Craig Thornton
c/o Harwich Fire Department
175 Sisson Road

Harwich, MA 02645

11. Firefighter David Spencer
c/o Harwich Fire Department
175 Sisson Road
Harwich, MA 02645
12. Mrs. Hughes
Address Unknown
13. District Attorney
Cape and Islands District
3242 Main Street
P.O. Box 455
Barnstable, MA 02630

The above-referenced individuals are expected to testify concerning all claims set forth in the Complaint, including but not limited to, the basis for the use of force against the plaintiff and the prosecution and conviction of the plaintiff for assault and battery with a dangerous weapon.

14. Other representatives and/or current or former employees of the Harwich Police Department, Harwich Fire Department, or District Attorney's Office for the Cape and Islands as discovery evidences are necessary for the claims and defenses made in this suit.
 15. Representative(s) of any organization or any individuals which currently or formerly assisted in training Harwich Police Officers as discovery evidences are necessary for the claims and defenses made in this suit.
 16. All state paid civilians working in affiliation with, or directly for, the Harwich Police Department.
 17. All state paid civilians working in affiliation with, or directly for, the Harwich Fire Department.
 18. Plaintiff's health care providers as necessary for purposes of damages.
 11. Plaintiff's expert witnesses as necessary for purposes of determining damages.
- (B) A copy of, or a description by category and location of, all documents, data compilations, and tangible things that are in the possession, custody,

or control of the party and that the disclosing party may use to support her claims or defenses, unless solely for impeachment:

1. Documents concerning Plaintiff's work history and performance;
2. Medical records of the Plaintiff for purposes of damages.
3. Records from the Town of Harwich, including police records.

(C) A computation of any category of damages claimed by the disclosing party, making available for inspection and copying as under Rule 34 the documents or other evidentiary material, not privileges or protected from disclosure, on which such computation is based, including materials bearing on the nature and extent of the injuries suffered:

1. Plaintiff claims pain and suffering and emotional distress damages to be determined at trial and expects to introduce medical records relevant to these claims.
2. Plaintiff claims long-term disability damages and expects to introduce medical records relevant to these claims.

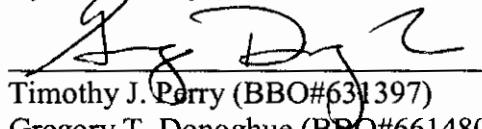
(D) For inspection and copying as under Rule 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment that may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment.

1. Not applicable to Plaintiff.

PLAINTIFF RESERVES HIS RIGHT TO SUPPLEMENT HIS DISCLOSURES THROUGH DISCOVERY AS INFORMATION BECOMES AVAILABLE TO HIM.

Respectfully submitted,
GLENN S. BATES,

By his attorneys,

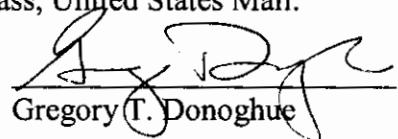


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CERTIFICATE OF SERVICE

I hereby certify that on this date a true copy of the above document was served upon counsel of record via pre-paid First Class, United States Mail.

Dated: October 24, 2005



Gregory T. Donoghue